

**Introduced by Senator Wolk**  
(Principal coauthor: Assembly Member Williams)

February 27, 2015

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An act to amend Section 2833 of, and to repeal Section 2834 of, the Public Utilities Code, relating to electricity.

LEGISLATIVE COUNSEL'S DIGEST

SB 793, as introduced, Wolk. Green Tariff Shared Renewables Program.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical corporations. Existing law authorizes the commission to fix the rates and charges for every public utility, and requires that those rates and charges be just and reasonable. The Green Tariff Shared Renewables Program requires a participating utility, defined as being an electrical corporation with 100,000 or more customers in California, to file with the commission an application requesting approval of a tariff to implement a program enabling ratepayers to participate in electrical generation facilities that use eligible renewable energy resources, consistent with certain legislative findings and statements of intent. Existing law requires the commission, by July 1, 2014, to issue a decision concerning the participating utility's application, determining whether to approve or disapprove the application, with or without modifications. Existing law requires the commission, after notice and opportunity for public comment, to approve the application if the commission determines that the proposed program is reasonable and consistent with the legislative findings and statements of intent and requires the commission to require that a participating utility's green tariff shared renewables program be

administered in accordance with specified provisions. Existing law repeals the program on January 1, 2019.

This bill would require the commission to additionally require that a participating utility's green tariff shared renewables program permit a participating customer to subscribe to the program and receive a predictable bill credit and bill charge for a period of up to 20 years. The bill would delete the repeal of the program.

Under existing law, a violation of any order, decision, rule, direction, demand, or requirement of the commission is a crime.

Because the bill would require action by the commission to implement its requirements and a violation of those requirements would be a crime, the bill would impose a state-mandated local program by expanding the definition of a crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 2833 of the Public Utilities Code is  
2     amended to read:  
3     2833. (a) The commission shall require a green tariff shared  
4     renewables program to be administered by a participating utility  
5     in accordance with this section.  
6     (b) Generating facilities participating in a participating utility's  
7     green tariff shared renewables program shall be eligible renewable  
8     energy resources with a nameplate rated generating capacity not  
9     exceeding 20 megawatts, except for those generating facilities  
10    reserved for location in areas identified by the California  
11    Environmental Protection Agency as the most impacted and  
12    disadvantaged communities pursuant to paragraph (1) of  
13    subdivision (d), which shall not exceed one megawatt nameplate  
14    rated generating capacity.  
15    (c) A participating utility shall use commission-approved tools  
16    and mechanisms to procure additional eligible renewable energy  
17    resources for the green tariff shared renewables program from

1 electrical generation facilities that are in addition to those required  
2 by the California Renewables Portfolio Standard Program (Article  
3 16 (commencing with Section 399.11) of Chapter 2.3 of Part 1).  
4 For purposes of this subdivision, “commission-approved tools and  
5 mechanisms” means those procurement methods approved by the  
6 commission for an electrical corporation to procure eligible  
7 renewable energy resources for purposes of meeting the  
8 procurement requirements of the California Renewables Portfolio  
9 Standard Program (Article 16 (commencing with Section 399.11)  
10 of Chapter 2.3 of Part 1).

11 (d) A participating utility shall permit customers within the  
12 service territory of the utility to purchase electricity pursuant to  
13 the tariff approved by the commission to implement the utility’s  
14 green tariff shared renewables program, until the utility meets its  
15 proportionate share of a statewide limitation of 600 megawatts of  
16 customer participation, measured by nameplate rated generating  
17 capacity. The proportionate share shall be calculated based on the  
18 ratio of each participating utility’s retail sales to total retail sales  
19 of electricity by all participating utilities. The commission may  
20 place other restrictions on purchases under a green tariff shared  
21 renewables program, including restricting participation to a certain  
22 level of capacity each year. The following restrictions shall apply  
23 to the statewide 600 megawatt limitation:

24 (1) (A) One hundred megawatts shall be reserved for facilities  
25 that are no larger than one megawatt nameplate rated generating  
26 capacity and that are located in areas previously identified by the  
27 California Environmental Protection Agency as the most impacted  
28 and disadvantaged communities. These communities shall be  
29 identified by census tract, and shall be determined to be the most  
30 impacted 20 percent based on results from the best available  
31 cumulative impact screening methodology designed to identify  
32 each of the following:

33 (i) Areas disproportionately affected by environmental pollution  
34 and other hazards that can lead to negative public health effects,  
35 exposure, or environmental degradation.

36 (ii) Areas with socioeconomic vulnerability.

37 (B) (1) For purposes of this paragraph, “previously identified”  
38 means identified prior to commencing construction of the facility.

39 (2) Not less than 100 megawatts shall be reserved for  
40 participation by residential class customers.

1 (3) Twenty megawatts shall be reserved for the City of Davis.

2 (e) To the extent possible, a participating utility shall seek to  
3 procure eligible renewable energy resources that are located in  
4 reasonable proximity to enrolled participants.

5 (f) A participating utility's green tariff shared renewables  
6 program shall support diverse procurement and the goals of  
7 commission General Order 156.

8 (g) A participating utility's green tariff shared renewables  
9 program shall not allow a customer to subscribe to more than 100  
10 percent of the customer's electricity demand.

11 (h) Except as authorized by this subdivision, a participating  
12 utility's green tariff shared renewables program shall not allow a  
13 customer to subscribe to more than two megawatts of nameplate  
14 generating capacity. This limitation does not apply to a federal,  
15 state, or local government, school or school district, county office  
16 of education, the California Community Colleges, the California  
17 State University, or the University of California.

18 (i) A participating utility's green tariff shared renewables  
19 program shall not allow any single entity or its affiliates or  
20 subsidiaries to subscribe to more than 20 percent of any single  
21 calendar year's total cumulative rated generating capacity.

22 (j) To the extent possible, a participating utility shall actively  
23 market the utility's green tariff shared renewables program to  
24 low-income and minority communities and customers.

25 (k) Participating customers shall receive bill credits for the  
26 generation of a participating eligible renewable energy resource  
27 using the class average retail generation cost as established in the  
28 participating utility's approved tariff for the class to which the  
29 participating customer belongs, plus a renewables adjustment value  
30 representing the difference between the time-of-delivery profile  
31 of the eligible renewable energy resource used to serve the  
32 participating customer and the class average time-of-delivery  
33 profile and the resource adequacy value, if any, of the resource  
34 contained in the utility's green tariff shared renewables program.  
35 The renewables adjustment value applicable to a time-of-delivery  
36 profile of an eligible renewable energy resource shall be determined  
37 according to rules adopted by the commission. For these purposes,  
38 "time-of-delivery profile" refers to the daily generating pattern of  
39 a participating eligible renewable energy resource over time, the  
40 value of which is determined by comparing the generating pattern

1 of that participating eligible renewable energy resource to the  
2 demand for electricity over time and other generating resources  
3 available to serve that demand.

4 (l) Participating customers shall pay a renewable generation  
5 rate established by the commission, the administrative costs of the  
6 participating utility, and any other charges the commission  
7 determines are just and reasonable to fully cover the cost of  
8 procuring a green tariff shared renewables program's resources to  
9 serve a participating customer's needs.

10 (m) A participating customer's rates shall be debited or credited  
11 with any other commission-approved costs or values applicable  
12 to the eligible renewable energy resources contained in a  
13 participating utility's green tariff shared renewables program's  
14 portfolio. These additional costs or values shall be applied to new  
15 customers when they initially subscribe after the cost or value has  
16 been approved by the commission.

17 (n) Participating customers shall pay all otherwise applicable  
18 charges without modification.

19 (o) *A participating utility shall permit a participating customer*  
20 *to subscribe to the program and receive a predictable bill credit*  
21 *and bill charge for a period of up to 20 years.*

22 ~~(o)~~

23 (p) A participating utility shall provide support for enhanced  
24 community renewables programs to facilitate development of  
25 eligible renewable energy resource projects located close to the  
26 source of demand.

27 ~~(p)~~

28 (q) The commission shall ensure that charges and credits  
29 associated with a participating utility's green tariff shared  
30 renewables program are set in a manner that ensures nonparticipant  
31 ratepayer indifference for the remaining bundled service, direct  
32 access, and community choice aggregation customers and ensures  
33 that no costs are shifted from participating customers to  
34 nonparticipating ratepayers.

35 ~~(q)~~

36 (r) A participating utility shall track and account for all revenues  
37 and costs to ensure that the utility recovers the actual costs of the  
38 utility's green tariff shared renewables program and that all costs  
39 and revenues are fully transparent and auditable.

40 ~~(r)~~

(s) Any renewable energy credits associated with electricity procured by a participating utility for the utility's green tariff shared renewables program and utilized by a participating customer shall be retired by the participating utility on behalf of the participating customer. Those renewable energy credits shall not be further sold, transferred, or otherwise monetized for any purpose. Any renewable energy credits associated with electricity procured by a participating utility for the shared renewable energy self-generation program, but not utilized by a participating customer, shall be counted toward meeting that participating utility's renewables portfolio standard.

~~(s)~~

(t) A participating utility shall, in the event of participant customer attrition or other causes that reduce customer participation or electrical demand below generation levels, apply the excess generation from the eligible renewable energy resources procured through the utility's green tariff shared renewables program to the utility's renewable portfolio standard procurement obligations or bank the excess generation for future use to benefit all customers in accordance with the renewables portfolio standard banking and procurement rules approved by the commission.

~~(t)~~

(u) In calculating its procurement requirements to meet the requirements of the California Renewables Portfolio Standard Program (Article 16 (commencing with Section 399.11) of Chapter 2.3 of Part 1), a participating utility may exclude from total retail sales the kilowatthours generated by an eligible renewable energy resource that is credited to a participating customer pursuant to the utility's green tariff shared renewables program, commencing with the point in time at which the generating facility achieves commercial operation.

~~(u)~~

(v) All renewable energy resources procured on behalf of participating customers in the participating utility's green tariff shared renewables program shall comply with the State Air Resources Board's Voluntary Renewable Electricity Program. California-eligible greenhouse gas allowances associated with these purchases shall be retired on behalf of participating customers as part of the board's Voluntary Renewable Electricity Program.

~~(v)~~

1 (w) A participating utility shall provide a municipality with  
2 aggregated consumption data for participating customers within  
3 the municipality's jurisdiction to allow for reporting on progress  
4 toward climate action goals by the municipality. A participating  
5 utility shall also publicly disclose, on a geographic basis,  
6 consumption data and reductions in emissions of greenhouse gases  
7 achieved by participating customers in the utility's green tariff  
8 shared renewables program, on an aggregated basis consistent with  
9 privacy protections as specified in Chapter 5 (commencing with  
10 Section 8380) of Division 4.1.

11 (w)  
12 (x) Nothing in this section prohibits or restricts a community  
13 choice aggregator from offering its own voluntary renewable  
14 energy programs to participating customers of the community  
15 choice aggregation.

16 SEC. 2. Section 2834 of the Public Utilities Code is repealed.

17 ~~2834. This chapter shall remain in effect only until January 1,~~  
18 ~~2019, and as of that date is repealed, unless a later enacted statute,~~  
19 ~~that is enacted before January 1, 2019, deletes or extends that date.~~

20 SEC. 3. No reimbursement is required by this act pursuant to  
21 Section 6 of Article XIII B of the California Constitution because  
22 the only costs that may be incurred by a local agency or school  
23 district will be incurred because this act creates a new crime or  
24 infraction, eliminates a crime or infraction, or changes the penalty  
25 for a crime or infraction, within the meaning of Section 17556 of  
26 the Government Code, or changes the definition of a crime within  
27 the meaning of Section 6 of Article XIII B of the California  
28 Constitution.